

10-14-05

zfw

App. No. 10/802,139
Information Disclosure Statement
Dated October 12, 2005

Attorney Docket No. 04176/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant : Kazuhiko OMOTE
Serial No. : 10/802,139
Filed : March 17, 2004
For : X-RAY DIFFRACTION APPARATUS
Art Unit : 2882
Examiner : Krystyna Suchecki
Confirm. No.: 3276
Customer No.: 01933

**INFORMATION DISCLOSURE STATEMENT
AND
STATEMENTS UNDER 37 CFR 1.97(E)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R :

Submitted herewith are:

- (1) Copy of a European Office Action dated July 26, 2005
issued from the European Patent Office in a counterpart
European application;
- (2) Copies of the cited publications not already submitted
to the U.S. Patent Office;
- (4) Form PTO/SB/08B. It is requested that an initialed
copy of the form PTO/SB/08B be returned to indicate

CERTIFICATE OF EXPRESS MAILING

Express Mail Mailing Label
No.: EV 720477561 US
Date of Deposit: 10/12/05

I hereby certify that this paper
is being deposited with the
United States Postal Service
"Express Mail Post Office
to Addressee" service under
37 CFR 1.10 on the date
indicated above and is addressed
to Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-
1450

Marilyn Stults
Marilyn Stults

In the event that this Paper is
late filed, and the necessary
petition for extension of time
is not filed concurrently
herewith, please consider this
as a Petition for the requisite
extension of time, and to the
extent not tendered by check
attached hereto, authorization
to charge the extension fee, or
any other fee required in
connection with this Paper, to
Account No. 06-1378.

that the publications listed therein have been considered and made of record.

Each of the cited publications is considered relevant or material to the patentability of the present invention in view of the citation thereof in said communication and for the reasons stated in said communication. Although fourteen publications are cited in the European Office Action, twelve were already submitted to the U.S. Patent Office on September 14, 2004. Copies of the two newly cited publications are enclosed.

The European Patent Office Action is in English, thereby satisfying the requirements for a concise explanation of relevance. Each of the enclosed cited publications is also in English.

STATEMENT UNDER 37 CFR 1.97(e)(1)

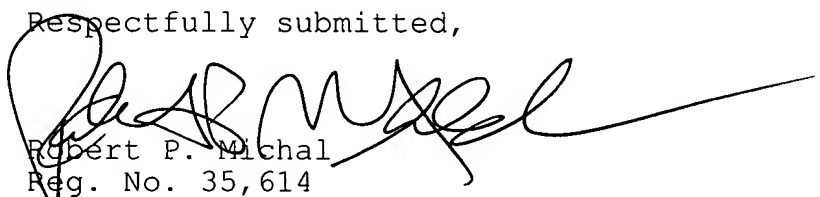
Each item of information contained in this Information Disclosure Statement was first cited in an Official Action from the European Patent Office in a counterpart European application not more than three months prior to the filing of the present Information Disclosure Statement. Said Official Action bears a mailing date of July 26, 2005.

Appln. No. 10/802,139
Information Disclosure Statement
Dated October 12, 2005

It is respectfully requested that the attached publications be considered and made of record.

It is respectfully believed that no fees are due. However, if any fees are due, authorization is given to charge any fees which may be required to Deposit Account No. 06-1378.

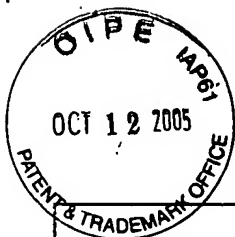
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert P. Michal', is written over the typed name and registration number.

Robert P. Michal
Reg. No. 35,614

Dated: October 12, 2005

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax Nos. (212) 319-5101
RPM/ms



Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Application Number	10/802,139
Filing Date	March 17, 2004
First Named Inventor	Kazuhiko OMOTE
Group Art Unit	2882
Examiner Name	Krystyna Suchecki
Attorney Docket Number	04176/RPM

Sheet 1 of 1

OTHER PRIOR ART - NON-PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of author (in CAPITAL LETTERS), title of article, title of item, date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		<p>R. Baudoing-Savois, et al., "A new UHV diffractometer for surface structure and real time molecular beam deposition studies with synchrotron radiations at ESRF," Nuclear Instruments and Methods in Physics Research B 149 (1999), pp. 213-227</p> <p>H. Oyangi, et al., "A new apparatus for surface x-ray absorption and diffraction studies using synchrotron radiation," Review of Scientific Instrument 66, December, 1995, Woodbury, New York, U.S.A., pp. 5477-5485</p>	
Examiner Signature		Date Considered	

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* Unique citation designation number. * Place a check here if English translation is attached.

DATE MAILED: October 12, 2005